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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,030	07/30/2003	Marzena Karczewska	71076	9021

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SCARBOROUGH, NY 10510-9227

EXAMINER
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SMITH, CHENEA

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/631,030

Applicant(s)

KARCZEWSKA, MARZENA

Examiner

Chenea P. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Slaney et al. (US20020062481, hereinafter Slaney).

Regarding claim 1, Slaney discloses an apparatus (set top box 38, see Fig. 2) for displaying images on a screen (television screen 44, see Fig. 2), in particular for displaying images relevant to advertisements, commercials, marks, slogans and information on a television screen (see [0025], lines 1-4), apparatus that comprises:

means (tuner 48) for connecting to a television set (see [0028], lines 1-3),

means (memory 76) for storing data and/or programs relevant to advertisements, commercials, marks, slogans and information (see [0023], lines 20-22 and [0031], lines 25-37),

means for connecting to a telematic network (see [0023], lines 17-20),

means (CPU 78) for data processing, connected to the means for connecting to a television set, to the means for storing data and/or programs and to the means for connecting to a telematic network and able to control the apparatus, in order to send to the television set signals

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relevant to advertisements, commercials, marks, slogans and information according to a preset program and/or to a signal received by the telematic network (see Fig. 3).

Regarding claim 2, Slaney discloses means for connecting to a television set comprising a tuner (see [0028], lines 1-3).

Regarding claim 4, Slaney discloses means for storing data and/or programs comprises means for detecting filmed sequences been displayed by a television set of an user, relevant to advertisements, commercials, marks, slogans and information, and relevant data (see [0036], lines 2-10).

Regarding claim 5, Slaney discloses means for connecting to a telematic network of wire network type (see [0023], lines 17-20).

Regarding claim 6, Slaney discloses means for connecting to a telematic network of wireless type (see [0023], lines 17-20).

Regarding claim 9, Slaney discloses means for storing data and/or programs able to store digital images and filmed sequences (see [0031], lines 12-16).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaney (previously cited), as applied to claim 1 above, and further in view of Siann et al. (US20030120541, hereinafter Siann).

Regarding claim 3, Slaney does not specifically disclose means for storing data and/or programs comprises a hard disk.

In an analogous art, Siann discloses means for storing data and/or programs comprises a hard disk (see [0038]).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Slaney's system to include means for storing data and/or programs comprising a hard disk, as disclosed by Siann, for the advantage of enabling a user to receive data and/or programming from various sources instead of just via broadcasts.

Regarding claim 7, Slaney does not specifically disclose means for connecting to a telematic network of GSM type with reception of signals of SMS type.

In an analogous art, Siann discloses means for connecting to a telematic network of GSM type with reception of signals of SMS type (see [0042], lines 7-9).

In an analogous art, Slaney's system to include means for connecting to a telematic network of GSM type with reception of signals of SMS type, as disclosed by Siann, for the advantage of providing a user with the capability of receiving data and/or programming via multiple transmission methods.

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5. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaney (previously cited).

Regarding claim 8, The Examiner takes Official Notice that it is very common and well known in the art to provide an apparatus including a disabling, i.e., power button for the advantage of conserving energy.

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Slaney's system to include a disabling button because it is typical in the art to do so for the advantage of conserving energy.

Regarding claim 10, The Examiner takes Official Notice that it is very common and well known in the art to permanently integrate a set top box with/within a television set for the advantage of conserving space.

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Slaney's system to include a set top box permanently integrated with a television set because it is typical in the art to do so for the advantage of conserving space.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chenea P. Smith whose telephone number is (571) 272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chenea P. Smith  
10/31/2007



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